

FORTY-SECOND DAY

(Monday, March 26, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

Absent

Hazlewood

Absent—Excused

Carney	Russell
Nokes	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 22, 1951, was dispensed with and the Journal approved.

Leaves of Absence

Senator Carney was granted leave of absence for today on account of important business on motion of Senator Shofner.

Senator Russell was granted leave of absence for today on account of important business on motion of Senator Fuller.

Senator Nokes was granted leave of absence for today on account of important business on motion of Senator Ashley.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
March 22, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 388, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman

Austin, Texas,
March 22, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 386, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman

Senator Carney submitted the following reports:

Austin, Texas,
March 26, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 389, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman

Austin, Texas,
March 26, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 609, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman

Senate Bill 392 on First Reading

Senator Fuller moved that Senate Rule 114, and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carter	Moore
Colson	Parkhouse
Corbin	Phillips
Fuller	Shofner
Hardeman	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

Absent

Bell	Strauss
Hazlewood	

Absent—Excused

Carney	Russell
Nokes	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Fuller:

S. B. No. 392, A bill to be entitled "An Act amending Subsection 1 of Section 5 of Senate Bill 47, Chapter 470, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, codified as Subsection 1 of Section 5 of Article 2922-1 of Vernon's Texas Civil Statutes, so as to provide for employment of retired members under the Teacher Retirement System of Texas; providing for the suspension of benefits during said employment; providing for resumption of benefits upon discontinuing employment on same basis of original retirement; providing that during time of employment of retired member no deductions shall be made from his salary; providing for membership annuity payments and prior service annuity payments of said retired member during employment to be transferred to the State Membership Accumulation Fund of Teacher Retirement System of Texas; and declaring an emergency."

To Committee on Educational Affairs

Senate Bill 393 on First Reading

Senator Wagonseller moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carter	Moore
Colson	Parkhouse
Corbin	Phillips
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

Absent

Bell	Hazlewood
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Absent—Excused

Carney	Russell
Nokes	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Wagonseller:

S. B. No. 393, A bill to be entitled "An Act amending Article I of Senate Bill 115, Chapter 299, Acts of the Fifty-first Legislature, Regular Session, 1949, by adding a new section thereto to be known as Section 4, providing that the central education agency shall have exclusive jurisdiction and control over the State School for the Deaf; prescribing certain duties of the Commissioner of Education; providing for jurisdiction over physical assets; providing that appropriations made for the benefit of such school shall be administered and expended by the agency; and declaring an emergency."

To Committee on Educational Affairs.

(President in Chair.)

Message From the House

Hall of the House of Representatives,
Austin, Texas,
March 27, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 361, A bill to be entitled "An Act validating city home rule

charters voted under certain conditions, the proceedings relating to the adoption thereof, and the election of and assumption of office by new members of the governing body of the city under such charter; providing that such charter shall constitute the charter of the city; and declaring an emergency."

H. B. No. 426, A bill to be entitled "An Act making appropriations for the support and maintenance of the judiciary and the executive and administrative departments and agencies of the State of Texas, for the support, maintenance and improvement of the State hospitals and special schools and the institutions under the management and control of the Youth Development Council of the State of Texas, for the operation, maintenance and improvement of the several State institutions of higher education and certain other institutions and agencies and to supplement local funds for the support and improvement of the accredited public junior colleges of Texas for the biennium beginning September 1, 1951, and ending August 31, 1953; prescribing certain specific procedures, rules, regulations, restrictions and limitations relating to and governing the expenditure of appropriations made herein; providing for the payment of certain claims; providing for reports of absence of certain employees from duty; providing for the sale of printed matter; providing for installation of postage meter machines; regulating the use of photostat machines; providing for rentals on machines and equipment; fixing working hours and vacation allowance of employees; authorizing the receipt and use of Federal aid; making it unlawful for certain employees to engage in certain political campaigns; providing for the removal of such employees, providing penalties and making it unlawful to use State-owned automobiles and equipment in connection with political campaigns; prescribing regulations governing traveling expense and expense accounts of State officials and employees; providing for auditing State departments; providing certain limitations on the purchase of passenger motor vehicles; allowing free medical attention and hospitalization for certain employees; providing for a budget for the next succeeding biennium; limiting the use or occupancy of State-owned buildings; re-

stricting publicity in certain instances; providing for reimbursement of the general revenue fund out of certain special funds; authorizing the State Board of Control to purchase certain Federal commodities; providing for auditing State Parks Funds; providing for the Federal withholding tax; prescribing certain restrictions and procedures relating to the expenditures and finances of the several institutions of higher education; prescribing certain requirements of eligibility for participation in the appropriations made herein to supplement local funds for the support and improvement of accredited public junior colleges; establishing the basis and manner for apportioning money appropriations; prescribing a penalty for deliberate falsification of records used as a basis for apportioning; providing a saving clause; suspending all laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill on First Reading

The following bill received from the House was read first time and referred to the committee indicated:

H. B. No. 426—To Committee on Finance.

Senate Bill 221 on Second Reading

The President laid Senate Bill No. 221 before the Senate as unfinished business on its second reading and passage to engrossment. (The bill having been read second time on Monday, March 6, 1951, with an amendment by Senator Nokes pending.)

Question—Shall the amendment by Senator Nokes be adopted?

Senator Moore moved to table the amendment.

The motion to table prevailed.

The bill was passed to engrossment.

Senate Bill No. 221 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 221 be placed on its third reading and final passage.

The motion prevailed by the following vote.

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	Moffett
Bullock	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent

Hazlewood	McDonald
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Absent—Excused

Carney	Russell
Nokes	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	Moffett
Carter	Moore
Colson	Parkhouse
Corbin	Phillips
Fuller	Shofner
Hardeman	Strauss
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Nays—1

Aikin

Absent

Hazlewood	Tynan
McDonald	

Absent—Excused

Carney	Russell
Nokes	

Senate Bill 6 on Second Reading

On motion of Senator Ashley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 6, A bill to be entitled "An Act amending Article 7094, Revised Civil Statutes of Texas of 1925, as amended, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 6 on Third Reading

Senator Ashley moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hudson	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

Absent

Hazlewood	Kelley of Hidalgo
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Absent—Excused

Carney	Russell
Nokes	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 316 on Second Reading

On motion of Senator Lock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 316, A bill to be entitled "An Act providing for the conversion of a rural high school district into an independent school district; authorizing the presentation of a petition to the County Judge; authorizing the County Judge to call an election; authorizing the Commissioners' Court to

canvass the election and declare the result and order the incorporation; providing the procedure for county line school districts; providing for a Board of Trustees; providing for property rights of the district, providing for district assumption of indebtedness; repealing all conflicting laws and providing a saving clause; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 316 on Third Reading

Senator Lock moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 316 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

Absent

Hazlewood

Absent—Excused

Carney	Russell
Nokes	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Hudson
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Lock
Carter	Martin
Colson	McDonald
Corbin	Moffett
Fuller	Moore
Hardeman	Parkhouse

Phillips
Shofner
Strauss
Tynan

Vick
Wagonseller
Weinert

Absent

Hazlewood

Absent—Excused

Carney	Russell
Nokes	

Senate Resolution 119

Senator Kelley of Hidalgo offered the following resolution:

Whereas, We have with us today as a guest of Texas and of Austin Mr. and Mrs. Brad Taylor, of Rhinelander, Wisconsin, who are outstanding citizens of Wisconsin. Mr. Taylor for many years has been a national leader in the affairs of the American Legion; and

Whereas, We desire to extend a hearty welcome to Mr. and Mrs. Brad Taylor; now, therefore, be it

Resolved, By the Senate that we assure Mr. and Mrs. Taylor of our pleasure at their presence and extend to them the privileges of the floor for the day.

KELLEY of Hidalgo
PHILLIPS

The resolution was read and was adopted.

Committee Substitute Senate Bill 195 on Second Reading

Senator McDonald asked unanimous consent to suspend the regular order of business and that C. S. S. B. No. 195 be laid out for consideration at this time.

There was objection.

Senator McDonald then moved that the regular order of business be suspended and that C. S. S. B. No. 195 be laid out for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Hudson
Ashley	Kelley of Hidalgo
Bracewell	Kelly of Tarrant
Bullock	Lane
Colson	Lock
Corbin	Martin
Fuller	McDonald
Hardeman	Moffett

Moore
Parkhouse
Phillips

Tynan
Wagonseller
Weinert

Nays—4

Carter
Shofner

Strauss
Vick

Absent

Bell

Hazlewood

Absent—Excused

Carney
Nokes

Russell

The President laid before the Senate on its second reading and passage to engrossment the following bill:

C. S. S. B. No. 195, A bill to be entitled "An Act amending Article 1269i, Chapter 21, Title 28, of the Revised Civil Statutes of Texas, 1925, as amended by adding a new section to provide for an election of the qualified electors; and defining qualified electors; and declaring an emergency."

The bill was read second time and passed to engrossment.

Committee Substitute Senate Bill 195 on Third Reading

Senator McDonald moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 195 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin
Ashley
Bell
Bracewell
Bullock
Carter
Colson
Corbin
Fuller
Hardeman
Hudson
Kelley of Hidalgo
Kelly of Tarrant

Lane
Lock
Martin
McDonald
Moffett
Moore
Parkhouse
Phillips
Tynan
Vick
Wagonseller
Weinert

Nays—2

Shofner

Strauss

Absent

Hazlewood

Absent—Excused

Carney
Nokes

Russell

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator McDonald, and by unanimous consent, the caption of the bill was amended to conform to the body of the bill.

The bill was finally passed.

Record of Votes

Senators Strauss and Shofner asked to be recorded as voting "nay" on the final passage of C. S. S. B. No. 195.

Senate Bill 68 on Second Reading

On motion of Senator Hudson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 68, A bill to be entitled "An Act with respect to mortgages, deeds of trust, or other security instruments executed by (a) corporations engaged in this State in the generation, manufacture, transmission, distribution and sale of electric energy and power to the public, (b) corporations engaged in this State in the transportation, distribution and sale through local distribution system or systems of natural gas to the public for domestic, commercial, industrial or any other use, and (c) corporations owning or operating in this State any gas pipe line or lines for the transportation and sale of natural gas to other pipe line companies or to local distribution systems or to municipalities, or to industrial consumers for their own use; etc.; and declaring an emergency."

The bill was read second time.

Senator Hudson offered the following committee amendment to the bill:

Amend Senate Bill No. 68 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The provisions of this Act shall apply to mortgages, deeds of trust and other security instru-

ments hereafter executed by, and to secure the payment of bonds, notes, or other obligations of (a) corporations engaged in this State in the generation, manufacture, transmission, distribution and sale of electric energy and power to the public, (b) corporations engaged in this State in the transportation, distribution and sale through local distribution system or systems of natural gas to the public for domestic, commercial, industrial or any other use, and (c) corporations owning or operating in this State any gas pipe line or lines for the transportation and sale of natural gas to other pipe line companies or to local distributing systems or to municipalities, or to industrial consumers for their own use.

Section 2. Any mortgage, deed of trust, or other security instrument hereafter executed by any corporation referred to in Section 1 of this Act, which by its terms subjects to the lien thereof property then owned, and property to be acquired by the corporation subsequent to the execution by it of such mortgage, deed of trust, or other security instrument, upon compliance with the provisions of Section 3 of this Act, shall constitute notice of the lien of such mortgage, deed of trust, or other security instrument as to (a) the property situated in such county described in the mortgage, deed of trust, or other security instrument and (b) the property in such county acquired by the corporation subsequent to the execution and deposit for record in such county of such mortgage, deed of trust, or other security instrument.

Section 3. Any such mortgage, deed of trust, or other security instrument mentioned in Section 2 of this Act shall constitute notice of the lien thereof as to any property acquired, or to be acquired, by the corporation subsequent to the execution of such mortgage, deed of trust, or other security instrument upon the deposit for record in the proper recording office of (a) the mortgage, deed of trust, or other security instrument and (b) an affidavit of the president or a vice president or the treasurer or the secretary of the corporation executing such mortgage, deed of trust, or other security instrument setting forth and reciting that the corporation that executed such mortgage, deed of trust, or other security instrument is one of the corporations referred to in Section 1 of this Act, which affidavit shall follow

immediately after the signatures and acknowledgment of those executing such instrument. Each mortgage, deed of trust, or other security instrument of the class to which the provisions of this Act are applicable shall have typed or printed on the title page the following: "Public Utility Mortgage with After-acquired Property Provisions."

Section 4. Any corporation of the class referred to in Section 1 of this Act which has executed and filed for record in this State a mortgage, deed of trust or other security instrument meeting the requirements of this Act with respect to the lien thereof covering after-acquired property of such corporation, which shall, subsequent to the execution and filing for record of such mortgage, deed of trust or other security instrument, change its corporate name or merge or consolidate with another company or corporation, shall promptly file for record in each county in this State wherein is situated any property of said corporation, an affidavit or other evidence of such change of name or merger or consolidation which shall set forth the corporate name of said corporation which it will have immediately after such change of name, merger or consolidation.

Section 5. The provisions of this Act shall be applicable only to mortgages, deeds of trust and other security instruments that are executed after the effective date of this Act by a corporation of the class referred to in Section 1 of this Act and that comply with the provisions of this Act with respect to the filing thereof. No mortgage, deed of trust or other security instrument executed and filed for record prior to the effective date of this Act, regardless of whether the same was executed by a corporation of the class referred to in Section 1 of this Act, or otherwise, shall be impaired, invalidated or otherwise affected by any of the provisions of this Act. The provisions of this Act are cumulative of existing statutes, and nothing herein shall be so construed as to modify or affect existing statutes relating to the execution or recording of mortgages, deeds of trust, or other security instruments.

Section 6. The fact that the securities of corporations referred to in Section 1 of this Act are being, or may be, discriminated against because of investors questioning the effectiveness of after-acquired property

clauses contained in mortgages, deeds of trust and other security instruments executed by such corporations, and the fact that this operates, or may operate as a handicap to the fair and proper financing of such corporations, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be, and the same hereby is, suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

The committee amendment was adopted.

Senator Hudson offered the following committee amendment to the bill:

Amend the caption of S. B. No. 68 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act with respect to mortgages, deeds of trust, or other security instruments executed by (a) corporations engaged in this State in the generation, manufacture, transmission, distribution and sale of electric energy and power to the public, (b) corporations engaged in this State in the transportation, distribution and sale through local distribution system or systems of natural gas to the public for domestic, commercial, industrial or any other use, and (c) corporations owning or operating in this State any gas pipe line or lines for the transportation and sale of natural gas to other pipe line companies or to local distribution systems or to municipalities, or to industrial consumers for their own use; providing that filing for record of any mortgage, deed of trust, or other security instrument executed by such corporation subjecting after-acquired property to the lien thereof, together with an affidavit of an officer of such corporation stating that such corporation is one of those corporations referred to in Section 1 of said Act, in the county or counties in which the property subject or to be subject thereto is situated shall constitute notice of the lien of such mortgage, deed of trust, or other security instrument as to such property thereafter acquired by such corporation in the county or counties in which such mortgage, deed of trust, or other security instrument is filed for record; providing for the identification of in-

struments executed under this Act; providing the procedure to be followed in the event the name of such corporation is changed subsequent to the execution and filing of such mortgage, deed of trust, or other security instrument; setting forth the class of corporations to which the provisions of the Act applies; providing that this Act is cumulative of existing statutes; and declaring an emergency."

The committee amendment was adopted.

The bill, as amended, was passed to engrossment.

Senate Bill 68 on Third Reading

Senator Hudson moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 68 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

Absent

Hardeman	Hazlewood
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Absent—Excused

Carney	Russell
Nokes	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Hudson offered the following committee amendment to the bill:

Amend S. B. No. 68 by changing period at end of Section 4 to a semicolon and adding the following: "and such mortgage, deed of trust or other security instrument shall not constitute notice as to property acquired by

the corporation succeeding the mortgagor until such affidavit or other evidence of a change in the name of the mortgagor has been filed as required by this section."

The committee amendment was adopted unanimously.

The bill, as amended, was passed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

Absent

Hazlewood

Absent—Excused

Carney	Russell
Nokes	

Senate Resolution 120

Senator Parkhouse offered the following resolution:

Whereas, A group of prominent citizens of Garland and Dallas County, Texas, namely: Mr. and Mrs. Jim Gatewood; Miss Virginia Gatewood; Miss Mary Gatewood; and Miss Anne Gatewood, are visiting in the Capital City today; and

Whereas, These distinguished visitors will be present in the Capitol throughout the day; now, therefore, be it

Resolved, That these visitors be officially welcomed by the Senate; and that they be extended the privilege of the floor for the day.

The resolution was read and was adopted.

Committee Substitute Senate Bill 12 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 12, A bill to be entitled "An Act to appropriate to the Texas Prison System an amount equal to the unencumbered, unexpended balance which remained on March 6, 1951, in Items I, II, III, IV, and V of Senate Bill No. 3, Acts Fifty-first Legislature, Regular Session, 1949, Chapter 22, to be expended for the purposes and in accordance with all provisions of said Senate Bill No. 3; declaring the legislative intention that this appropriation will cover expenses incurred subsequent to March 6, 1951; authorizing reimbursement of local funds expended in the interim between March 6, and the effective date of this Act; providing severability; and declaring an emergency."

The bill was read second time and passed to engrossment.

Committee Substitute Senate Bill 12 on Third Reading

Senator Colson moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carter	Moore
Colson	Parkhouse
Corbin	Phillips
Fuller	Strauss
Hardeman	Tynan
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Hazlewood	Vick
Shofner	

Absent—Excused

Carney	Russell
Nokes	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carter	Parkhouse
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Hazlewood	Vick
Moore	

Absent—Excused

Carney	Russell
Nokes	

Senate Bill 44 on Second Reading

On motion of Senator Bracewell and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 44, A bill to be entitled "An Act concerning the education of exceptional children, adding the education of mentally retarded children to the present program, amending Subsection (4) of Section 1 of Article III of Senate Bill 116, Acts 51st Legislature, Regular Session, 1949, Chapter 334; repealing Senate Bill 38, Acts 49th Legislature, 1945, Chapter 369; Senate Bill 123, Acts 50th Legislature, 1947, Chapter 136; and Senate Bill 399, Acts 50th Legislature, 1947, Chapter 252; and declaring an emergency."

The bill was read second time.

Senator Lock moved to postpone further consideration of S. B. No. 44 until three weeks from today.

Senator Bracewell moved to table the motion to postpone.

The motion to table prevailed by the following vote:

Yeas—23

Aikin	Carter
Ashley	Colson
Bell	Corbin
Bracewell	Fuller
Bullock	Hardeman

Hudson	Phillips
Kelley of Hidalgo	Shofner
Lane	Strauss
Martin	Tynan
McDonald	Vick
Moffett	Wagonseller
Parkhouse	

Nays—3

Kelly of Tarrant	Weinert
Lock	

Absent

Hazlewood	Moore
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Absent—Excused

Carney	Russell
Nokes	

The bill was passed to engrossment.

Senate Bill 44 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 44 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

Absent

Hardeman	Hazlewood
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Absent—Excused

Carney	Russell
Nokes	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Bracewell
Bell	Bullock

Carter	McDonald
Colson	Moffett
Corbin	Moore
Fuller	Parkhouse
Hardeman	Phillips
Hudson	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Tynan
Lane	Vick
Lock	Wagonseller
Martin	Weinert

Absent

Ashley	Hazlewood
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Absent—Excused

Carney	Russell
Nokes	

Senate Bill 207 on Second Reading

On motion of Senator Vick and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 207, A bill to be entitled "An Act amending Article 6228b, Section 4, Revised Civil Statutes of Texas, Acts of the Fifty-first Legislature, Regular Session, Title 109, page 558, providing for the tenure of office of persons who have served on one (1) or more Courts of this State to be changed from twenty-five (25) years to twenty-four (24) years or more so that such persons will be entitled to retirement pay under the provisions of this Act; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 207 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 207 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Fuller
Ashley	Hardeman
Bell	Hudson
Bracewell	Kelley of Hidalgo
Bullock	Kelly of Tarrant
Carter	Lane
Colson	Lock
Corbin	Martin

McDonald	Strauss
Moffett	Tynan
Moore	Vick
Parkhouse	Wagonseller
Phillips	Weinert
Shofner	

Absent

Hazlewood

Absent—Excused

Carney	Russell
Nokes	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Joint Resolution 11 on Second Reading

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 11, Proposing an amendment to Sections 4 and 5 of Article 5 of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of five members; prescribing their qualifications, election, tenure of office and compensation; and prescribing the term of court of said Court.

The resolution was read second time and passed to engrossment.

Senate Joint Resolution 11 on Third Reading

Senator Moffett moved that the constitutional rule requiring resolutions to be read on three several days be suspended and that S. J. R. No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hudson
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Lock
Carter	Martin
Colson	McDonald
Corbin	Moffett
Fuller	Moore
Hardeman	Parkhouse

Phillips	Vick
Shofner	Wagon seller
Strauss	Weinert
Tynan	

Absent

Hazlewood

Absent—Excused

Carney	Russell
Nokes	

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagon seller
Kelly of Tarrant	Weinert
Lane	

Absent

Hazlewood

Absent—Excused

Carney	Russell
Nokes	

Senate Bill 297 on Second Reading

Senator Phillips asked unanimous consent to suspend the regular order of business and that S. B. No. 297 be laid out for consideration at this time.

There was objection.

Senator Phillips then moved to suspend the regular order of business and that S. B. No. 297 be laid out for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Colson
Ashley	Corbin
Bell	Fuller
Bracewell	Hudson
Bullock	Kelley of Hidalgo
Carter	Kelly of Tarrant

Lane	Phillips
Lock	Shofner
Martin	Strauss
McDonald	Tynan
Moffett	Vick
Moore	Wagon seller
Parkhouse	Weinert

Nays—1

Hardeman

Absent

Hazlewood

Absent—Excused

Carney	Russell
Nokes	

The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 297, A bill to be entitled "An Act amending Paragraph (4) of Section 10(a) of House Bill No. 107, Chapter 464, Acts Fifty-first Legislature, Regular Session, so as to provide that State general ad valorem tax moneys collected in excess of the amount donated and granted, and the amount of State general ad valorem tax granted and collected in excess of the amount needed to pay off and fully discharge all legal obligations shall be retained by the county or subdivision from which the tax was collected; and in the discretion of said governing body shall be used either for the construction and maintenance of farm-to-market roads, or for flood control, only within the county, political subdivision, or defined area from which such tax is collected; and providing for reports; making funds retained a trust fund and providing punishment for misapplication thereof; and declaring an emergency."

The bill was read second time.

Senator Phillips offered the following amendment to the bill:

Amend Senate Bill 297 by striking out all of Section 1 and inserting in lieu thereof the following:

Section 1. Paragraph (4) of Section 10(a) of House Bill No. 107, Chapter 464, Acts Fifty-first Legislature, Regular Session, be and the same is hereby amended so as to read as follows:

"(4) In those instances where less than the full State general ad valorem tax was granted or donated, the portion of the money collected in

excess of the amount donated or granted shall be retained by or paid over to the governing body of the county or political subdivision from which such tax is collected; and in the event that the amount of State general ad valorem tax granted, donated and collected is in excess of the amount needed to pay off and fully discharge all legal obligations authorized by law and which were incurred prior to the adoption of Section 1-a of Article VIII of the Constitution of Texas then such excess shall be retained by or paid over to the governing body of the county or political subdivision from which such tax is collected. In the discretion of said governing body such excess shall be used either for the construction and maintenance of farm-to-market roads, or for flood control, only within the county, political subdivision, or defined area from which such tax is collected. The moneys thus retained or paid over shall be fully reported each year to the Comptroller of Public Accounts at the same time such Assessor-Collector makes his annual report as required by law, and the governing body of the county, political subdivision, or defined area thus retaining or being paid such excess money shall likewise report annually to the Comptroller of Public Accounts the sum thus retained or held and the purpose for which it was used. The moneys thus retained or held are declared to be trust funds to be used only for the purpose herein named, and the use thereof for any other purpose shall constitute a misapplication of public money and the person or persons so offending shall be punished as provided for in Article 86 of the Penal Code of the State of Texas."

Question—Shall the amendment by Senator Phillips be adopted?

Adjournment

On motion of Senator Lane, the Senate at 12:25 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

FORTY-THIRD DAY

(Tuesday, March 27, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent—Excused

Russell

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Russell was granted leave of absence for today on account of important business on motion of Senator Fuller.

Reports of Standing Committees

Senator Aikin submitted the following reports:

Austin, Texas,
March 26, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 355, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

AIKIN, Chairman

Austin, Texas,
March 26, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 306, have had the same under consideration, and I am in-